

DEWEY PEGNO & KRAMARSKY LLP
Thomas E.L. Dewey (TD-6243)
Keara A. Bergin (KB-0831)
220 East 42nd Street
New York, New York 10017
(212) 943-9000
Attorneys for Defendants and Counterclaimants

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JAMES BURKE and BRADLEY L. GROW,
as the designated Sellers' Representatives, etc.,

Plaintiffs,

-against-

HESTIA HOLDINGS, LLC, EATERIES, INC. and
FIESTA HOLDINGS, INC.,
Defendants.

Civ. No. 07-9909 (HB)

**STATEMENT PURSUANT
TO FEDERAL RULE OF
CIVIL PROCEDURE 7.1**

HESTIA HOLDINGS, LLC, EATERIES, INC. and
FIESTA HOLDINGS, INC.,

Counterclaimants,

-against-


JAMES BURKE and BRADLEY L. GROW, as the
designated Sellers' Representatives, EATERIES
HOLDINGS, LLC, THE BURKE FAMILY, LLC,
BRADLEY L. GROW, THE GROW FAMILY LLC, THE
BRADLEY L. GROW REVOCABLE TRUST, VINCENT
F. ORZA, PATRICIA L. ORZA, PATRICIA LANDI
ORZA TRUST, ALEXANDRA MARIA ORZA TRUST,
PATRICIA L. ORZA TRUST, VINCENT F. ORZA JR.
TRUST, J.B. EDWARDS, DOUG DAVIS, PHILLIPS,
MCFALL, MCCAFFREY, MCVAY & MURRAH 401K
PROFIT SHARING PLAN, D. KEITH MCFALL, and
BILL TOTTY,

Counterclaim Defendants.

Pursuant to Rule 7.1 of the Federal Rules of Civil Procedure and to enable judges and magistrate judges of the court to evaluate possible disqualification or recusal, the undersigned counsel for Defendants and Counterclaim Plaintiffs HESTIA HOLDINGS, LLC, EATERIES, INC. and FIESTA HOLDINGS, INC., private, non-governmental parties, certifies none of these parties are publicly held and none has a corporate parent, subsidiary, or affiliate that are publicly held.

Dated: November 29, 2007
New York, New York

DEWEY PEGNO & KRAMARSKY LLP

By 
Thomas E. L. Dewey (TD-6243)
Keara A. Bergin (KB-0831)

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*Attorneys for Defendants and
Counterclaim Plaintiffs*